

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

RUTH MILLER and GALEN SWINGEN,

Plaintiffs,

v.

**AARP SERVICES, INC., AARP, INC.,
GRUPO COOPERATIVO SEGUROS
MULTIPLES, COOPERATIVA DE
SEGUROS MULTIPLES OF PUERTO
RICO, SEDGWICK CLAIMS
MANAGEMENT SERVICES, INC.,
VERICLAIM, INC., RUSSELL RAGSDALE,
and OVERSEAS INSURANCE
AGENCY, INC.,**

Defendants.

1:19-cv-00049-MEM-EAH

**TO: Pamela L. Colon, Esq.
Karen Ellis Carr, Esq.
Eric Roman, Esq.
Mattie Bowden, Esq.
Andrew C. Simpson, Esq.
Ann Cecile O'Neill, Esq.
Eugenio W.A. Geigel-Simounet, Esq.
Richard H. Hunter, Esq.
Joshua D. Lerner, Esq.
Peter Tepley, Esq.
Victor G. Sanabria, Esq.**

ORDER

THIS MATTER comes before the Court on the Emergency Joint Motion to Extend Deadline to File Stipulations of Dismissal and to Continue Status Conference Scheduled for August 4, 2023. Dkt. No. 274. In the motion, the parties state that they have been negotiating the language of the releases in this case, and one release will be executed regarding the AARP and Adjuster Defendants and another for Defendant Grupo. *Id.* "As to the AARP/ Adjuster Defendants' Release, the Parties need additional time to obtain fully

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executed Releases and to comply with other, confidential, portions of the Settlement and Release Agreement.” *Id.* They anticipate that the filing will be accomplished by August 7, 2023. *Id.* “As to the Grupo Defendant’s Release, the Parties have not reach [sic] agreement on all of the terms of the Release. However, Plaintiffs and Defendant, [sic] Grupo anticipate that they will either reach agreement and be ready to file the Stipulation of Dismissal by August 7, 2023, or, will advise the Court that they could not reach agreement on the terms of the Release by that date.” *Id.* Finally, Plaintiffs’ counsel notes that she will be travelling back to St. Croix on August 4, 2023 and is thus unable to appear in person or virtually at the status conference on that date. *Id.* The parties requested that a status conference be scheduled for August 28, 29, or 30 and that only counsel for Plaintiffs and any Defendant that has not been dismissed prior to that time be required to appear. *Id.*

The Court will grant the motion. In doing so, it notes that this filing raises many concerns. First, a report of mediation was filed on May 31, 2023, indicating that the conflict had been completely resolved; the filing is what prompted this Court to set the deadlines allowing two months for parties to finalize dismissal document and setting the status conference. Dkt. Nos. 271, 272. Further, the motion was filed on July 31, 2023, as an “emergency” motion, but a notice to the Court on June 30, 2023 indicated that these problems have been in existence for over a month. Dkt. No. 273. Thus, it is unclear why counsels waited until the day the stipulations were due to file this motion. Finally, the status conference has been scheduled since May 31, 2023. Dkt. No. 272. It is unclear why Attorney Colon would book travel that conflicted with this date and time, particularly when it became apparent that the stipulations may not be filed and that the Court may need to hold the status conference. However, in the interest of the parties reaching a resolution on the matter, the Court will extend the stipulation deadline to August 7, 2023.

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Further, because Attorney Colon is unavailable on August 4, 2023, the Court is forced to reschedule the status conference. It will reschedule it to August 8, 2023, at 2:00 p.m., in person, so that it can be apprised immediately as to whether certain parties in the case have reached resolution and/or what next steps are necessary.

Accordingly, it is now hereby **ORDERED**:

1. The Emergency Joint Motion to Extend Deadline to File Stipulations of Dismissal and to Continue Status Conference Scheduled for August 4, 2023, Dkt. No. 274, is **GRANTED**.
2. The status conference currently scheduled for **August 4, 2023 at 10:00 a.m.**, before the undersigned U.S. Magistrate Judge in STX Courtroom 3 is **CONTINUED** until **August 8, 2023, at 2:00 p.m.** All counsel shall appear in person.

ENTER:

Dated: August 1, 2023

/s/ Emile A. Henderson III
EMILE A. HENDERSON III
U.S. MAGISTRATE JUDGE